

SECOND REGULAR SESSION

SENATE BILL NO. 1268

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR SHIELDS.

Read 1st time February 17, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

4429S.01I

AN ACT

To repeal section 229.340, RSMo, and to enact in lieu thereof one new section relating to public rights-of-way.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 229.340, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 229.340, to read as follows:

229.340. 1. Each applicant for a permit under the provisions of sections 229.300 to 229.370 may be required by the county highway engineer to pay a fee in an amount determined by the county commission by order of record, [not to exceed the sum of three dollars for each such application,] which fee is to be paid into a special fund in the county treasury and to be used for the purpose of paying the expenses incident to the provisions of sections 229.300 to 229.370. Any balance on hand in such fund at the end of the fiscal year of such county shall be paid into the special county road and bridge fund of such county.

2. The special use permit fees imposed by the county shall be:

(1) Based on all costs reasonably incurred by the county in managing the public right-of-way under chapter 229, including by way of illustration, and not in limitation thereof, the costs incurred by the county to issue and revoke a special use permit, review and approve plans and specifications submitted by an applicant for a special use permit, the county's inspections and re-inspections of work, including restoration, performed by or on behalf of an applicant, and other costs, whether direct or indirect, reasonably allocable to the management of the public right-of-way;

(2) When appropriate to the circumstances, based on an allocation among all users of the public right-of-way, which shall reflect the proportionate costs imposed on the county by each of the various types of uses of the public rights-of-

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

way;

(3) Consistent, to the extent practical, with the fees charged by the county, if any, under subsection 2 of section 67.1840, RSMo, and federal law whenever applicable, except and provided that nothing herein shall prevent a county from imposing new or different amounts of fees upon public utility right-of-way users under this section for uses of the public right-of-way that fall within the purview of sections 229.300 to 229.370, and are not otherwise governed by sections 67.1830 to 67.1846, RSMo;

(4) Imposed on a nondiscriminatory basis.

3. In imposing fees pursuant to this section, no county shall:

(1) Unlawfully discriminate among applicants and users of the public right-of-way;

(2) Grant a preference to any applicant or use of the public right-of-way; or

(3) Create or erect any unreasonable requirement for entry to the public right-of-way by any applicant or user.

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